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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

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August 3, 2004

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AUG 18 2004

Mr. Michael Powell
Chairman, Federal Communications Commission
445 Twelfth Street, SW, Room TW-A235
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

MB Dockets

04-61

04-62

04-64

Dear Chairman Powell:

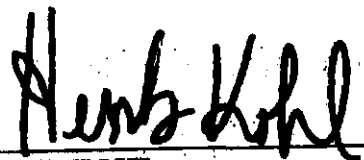
It has come to our attention that the July 28, 2004 filing by Bruce E. Boyden, Esq. on behalf of the Motion Picture Association of America and its member companies in MB Docket Nos. 04-61, 04-62 and 04-64 contained a statement that the Senate Subcommittee on Antitrust, Competition Policy and Consumer Rights had reviewed whether conditions should be placed on certain licenses implicated in these proceedings and had "declined to act." We are writing to make clear that, while Subcommittee staff has examined this issue and the competitive implications of these licenses, no decision or formal position has been taken by the Subcommittee on this matter. In fact, the Subcommittee did not "decline to act." Rather the Subcommittee, while considering the positions of all sides, explored this issue with the staff of the Federal Communications Commission and determined that the FCC staff had a solid grasp of the competitive implications raised by the proposed licenses. The Subcommittee remains committed to ensuring that competition flourishes in the deployment of the technologies associated with the Broadcast Flag regulations.

Thank you for your attention to this matter.

Very respectfully yours,



MIKE DEWINE
Chairman, Subcommittee on
Antitrust, Competition Policy, and
Consumer Rights



HERB KOHL
Ranking Member, Subcommittee on
Antitrust, Competition Policy, and
Consumer Rights

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